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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

MARK LONG,

Plaintiff,

vs.

JOHN KROGER, SEAN C. RIDDELL, and
the STATE OF OREGON, by and through
THE OREGON DEPARTMENT OF
JUSTICE,

Defendants.

Case No. 6:12-cv-1383-TC

PLAINTIFF'S ANSWER TO
DEFENDANTS KROGER'S AND
STATE OF OREGON'S
COUNTERCLAIM

Plaintiff Mark Long responds to defendants Kroger's and State of Oregon's Answer,
Affirmative Defenses and Counterclaim and Demand for Jury Trial as follows:

1.

Plaintiff denies paragraph 174 of defendants Kroger's and State of Oregon's Counterclaim.

2.

Plaintiff denies defendants Kroger's, Riddell's and the State's investigation "revealed" what they allege it revealed; admits that, as interim director of ODOE, he approved a recommendation that TEEM work with ODOE to develop an Energy Assurance Program ("EAP") grant proposal; denies he directed State personnel to create a scenario for TEEM to be awarded some or all of the EAP grant; denies he increased the amount of government resources devoted to the EAP grant process or increased the amount of federal funds required for the contract; denies defendants Kroger's, Riddell's and the State's recommendation to terminate plaintiff's employment was warranted; and denies each and every remaining allegation in paragraph 175 of defendants Kroger's and State of Oregon's Counterclaim.

3.

Plaintiff denies the first sentence of paragraph 125 of defendant Riddell's Counterclaim; admits the ODOE criminal investigation lasted approximately four to five months; admits he remained at work and received full pay and benefits during the criminal investigation; admits he received full pay while on administrative leave; admits he was offered what the State referred to as a name-clearing hearing; denies defendants retained two independent parties to review the evidence and determine whether termination of his employment was appropriate; and denies each and every remaining allegation in paragraph 176 of defendants Kroger's and State of Oregon's Counterclaim.

4.

Plaintiff denies paragraph 177 of defendants Kroger's and State of Oregon's Counterclaim.

5.

Plaintiff denies each and every allegation in defendants Kroger's and State of Oregon's Answer, Affirmative Defenses and Counterclaim and Demand for Jury Trial not specifically admitted above.

Wherefore, plaintiff requests this court dismiss defendants Kroger's and State of Oregon's Counterclaim, enter judgment in favor of plaintiff and against defendants Kroger and State of Oregon, and grant such further and additional relief as is just and proper.

DATED this 25th day of March, 2013.

HARRANG LONG GARY RUDNICK P.C.

By: /s/ Jeffery J. Matthews
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CERTIFICATE OF SERVICE

I certify that on March 25, 2013, I served or caused to be served a true and complete copy of the foregoing **PLAINTIFF'S ANSWER TO DEFENDANTS KROGER'S AND STATE OF OREGON'S COUNTERCLAIM** on the party or parties listed below as follows:

- ☒ Via CM / ECF Filing
- ☐ Via First Class Mail, Postage Prepaid
- ☐ Via Email
- ☐ Via Personal Delivery

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